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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,189	09/13/2000	Hannes Eberle	53470.000038	8016

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MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
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SUITE 900
RESTON, VA 20190

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,189

Applicant(s)

EBERLE ET AL.

Examiner

Angela A. Armstrong

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al (US Patent No. 5,721,827) in view of Perrone (US Patent No. 6,157,705) and further in view of Miner (US Patent No. 5,652,789).
3. Regarding claims 1 and 11, Logan et al reads on the features, as: Sensing a voice input command from the subscriber (Abstract, 18th line); Selecting at least one of a plurality of voice messages to deliver (Abstract, 21st line); A Content Delivery Module communicating with the Input Module to select messages to deliver to the subscriber (column 1 lines 39-42) according to command (the "express request" of column 1 line 47). While Logan et al might appear to "teach against" initiating communication with subscribers, he discloses the capability and describes precisely such an operation on a regular basis to notify of certain conditions (column 22 lines 60-63). Further, while it would appear to be obvious that this would be advantageous operation, Logan et al does not mention that this command dialog would occur during the voice service session.

Art Unit: 2654

Further prior art of reference is provided with the voice control of a server from Perrone disclosing such an operation as the normal operation in an operational example (Abstract, lines 10-end), reading on the feature of a call server initiating (1st two lines column 13) an outbound communication (column 15 lines 37-43) to a voice service subscriber to commence a voice service session. Perrone further discloses that the voice input command would occur during the voice service session (depicted by the uninterrupted voice communication session of figure 4, repeated in the last line of column 16). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Perrone to the device/method of Logan et al so as to permit operation without unwieldy input and output keys and screens.

Neither Logan et al nor Perrone disclose the additional feature that initiating communications is based on the occurrence of a predetermined event specified by the subscriber during a subscription process. Miner discloses a network based knowledgeable assistant in which the subscriber can set his availability to indicate that he is accepting all calls, he is accepting no calls, or he is accepting only important calls. The knowledgeable assistant is designed to provide for the system to send an electronic notification to the subscriber to inform the subscriber of an incoming call when accepting all calls/important calls or an electronic notification when a caller has left a message if the subscriber is accepting no calls (abstract; col. 7, line 51 to col. 8, line 59). Miner discloses the system enables an individual to manage and customize their availability to friends, family, business associates, etc, depending upon their preferred or predetermined schedule/conditioning (col. 4, lines 16-26), thereby fully realizing

Art Unit: 2654

the advantageous mobility that is offered by new communications devices and media (col. 1, lines 44-54).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Logan and Perrone to implement initiating communications is based on the occurrence of a predetermined event specified by the subscriber during a subscription process, as suggested by Miner, for the purpose of enabling a subscriber to manage and customize their availability to friends, family, business associates, etc, depending upon their preferred or predetermined schedule/conditioning, thereby fully realizing the advantageous mobility that is offered by new communications devices and media, as also suggested by Miner.

Regarding claims 2 and 12, the claims are set forth with the same limits as claims 1 and 11, respectively. Logan et al discloses that the sound card contains an A/D converter (column 3 line 24).

Regarding claims 3 and 13, the claims are set forth with the same limits as claims 2 and 12, respectively. Logan et al discloses that the sound card contains an A/D converter (column 4 line 22).

Regarding claims 4 and 14, the claims are set forth with the same limits as claims 3 and 13, respectively. Logan et al discloses the feature of a communicating with the input module and the content delivery module and identifying the digital voice data as at least one of a plurality of predetermined commands (as in column 32 line 27).

Regarding claims 5 and 15, the claims are set forth with the same limits as claims 4 and 14, respectively. Logan et al discloses the feature of presenting voice message content according to the digital voice data (as in column 10 line 48).

Art Unit: 2654

Regarding claims 6 and 16, the claims are set forth with the same limits as claims 5 and 15, respectively. Logan et al discloses the feature of at least one voice command prompt to query voice input from the subscriber (as in column 12 line 50).

Regarding claims 7 and 17, the claims are set forth with the same limits as claims 6 and 16, respectively. Logan et al (column 15 line 21) discloses the feature of a Sequence Of Voice Command prompts.

Regarding claims 8 and 18, the claims are set forth with the same limits as claims 7 and 17, respectively. Logan et al (in the Abstract) discloses the feature of a set of voice command prompts adaptively presented according to the digital voice data ((lines 6-16).

Regarding claims 9 and 19, the claims are set forth with the same limits as claims 1 and 11, respectively. Logan et al (column 10 line 9) reads on the feature of authenticating the subscriber for receipt of the at least one of a plurality of voice messages (Abstract, line 21).

Regarding claims 10 and 20, the claims are set forth with the same limits as claims 9 and 19, respectively. Logan et al (column 10 line 13) reads on the feature that the authentication comprises at least one of PIN verification and voice identification.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Bartholomew et al (US Patent No. 6,215,858)

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A Armstrong
Examiner
Art Unit 2654

AAA
August 4, 2005



RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER